

Oil and Petroleum

the table of the committee, but shown to the various parties represented there. These were to recognize what Alberta and Saskatchewan are doing today on behalf of national unity. The legislation should enshrine the intention of the federal government to make a reasonable *quid quo pro* if there is any surplus.

The fifth principle that I think should be in this bill is that of consultation. When you have responsibility and jurisdiction on the federal side and on the provincial side, over and over again there will be overlapping. In the case of some of our resources, such as agriculture and fisheries, the constitution allows for equal powers of both levels of government. However, in the field of oil responsibility for the ownership and the enjoyment of this resource falls under the British North America Act and the amendments of the Alberta Natural Resources Act and the Saskatchewan Natural Resources Act are beyond debate. These resources are the property of the people in those provinces.

Therefore, as the Leader of the Opposition (Mr. Stanfield) pointed out, the question of consultation should be enshrined in this legislation. If agreement is not arrived at in voluntary fashion, then we will have a centralized, bureaucratic type of government at the federal level. I do not think Canadians as a whole, whether they belong to the "have" provinces in oil, or not, want to see this principle established just because the people of Alberta and Saskatchewan are minority groups. This argument applies to all potential resource areas.

On the question of consultation this bill fails to meet the test of legislation to which we all agreed. In the spring we were not sure about just where we stood on the constitutional issue. Nearly all speakers on the Conservative side raised this matter as a danger. We did not take active, strong, decided opposition to this bill because we thought it was carrying out a temporary agreement between the ten provincial premiers and the Prime Minister. We thought it would be off our backs in a year or so. However, when we read the budget on May 6 and saw the provisions whereby the federal government declared open war on every province, at the constitutional level and the economic level, then this piece of legislation which we are discussing made itself part of a pattern that is extremely dangerous. We now have no choice but to rise and say in loud voices, hoping that the country will hear, that this is a new ball game. Section 109 of the British North America Act makes this very clear. I quote:

All lands, mines, minerals, and royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union, and all sums then due or payable for such lands, mines, minerals, or royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise—

That is as clear as you can make it. Section 125 reads:

No lands or property belonging to Canada or any Province shall be liable to taxation.

No provincial government can tax the federal lands of the national parks, federal lands that belong to us, because it is against the constitution of this country. However, this government, on May 6 in a budget, broke the constitutional terms and said that any provincial tax or royalty which is part of a property—it is a share that goes to the provincial government in right of the Crown—is non-deductible, and therefore taxable. This breach of a constitution which

[Mr. Hamilton (Qu'Appelle-Moose Mountain).]

is only 107 years old is part of this debate. When you see the machinery being set up in this bill for permanent price controls, for unilateral action by the federal government over oil from natural sources and over natural gas and oil coming from synthetic production of the tar sands, you realize the path we are following.

As you go through the various statutes that deal with this question, the responsibility that should rest on each one of us is simple: are we honouring the agreement on which this country was based? I come from an area which is now called the province of Saskatchewan. It was not treated as an equal when it was set up as a province. The people who preceded me in that province fought against the decision of 1905 which set us up as a colony. The wheels of fortune changed, a Conservative government was elected at Ottawa and we finally received justice. I am referring to the Saskatchewan Natural Resources Act of 1930. I shall read the preamble. I know that all the ghosts of several years of political effort are with me at this moment. The preamble reads:

And whereas the Government of Canada desires that the Province should be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources as from its entry into Confederation in 1905—

In 1930, a Conservative government in power in this House gave justice to Saskatchewan and Alberta. It made us equal with the provinces and master of our own resources. I quote further from the Saskatchewan act:

And whereas the Government of the Province contends that, before the Province was constituted and entered into Confederation as aforesaid, the Parliament of Canada was not competent to enact that the natural resources within the area now included within the boundaries of the Province should vest in the Crown and be administered by the Government of Canada for the purposes of Canada and was not entitled to administer the said natural resources otherwise than for the benefit of the residents within the said area—

It goes on to say that this agreement was made and signed, and if there are to be any changes this provision is enshrined in section 26:

Amendment of Agreement

The foregoing provisions of this agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province.

May I say I am not pushing for statutes to make agreements. When you are confiscating the resources of somebody else by mutual agreement, that is one thing. I am simply saying this bill is a poor bill because it says nothing about an agreement having to be made by common consent with the man from whom you are stealing.

● (1620)

Mr. Saltsman: Compensation implies that there is no agreement.

Mr. Hamilton (Qu'Appelle-Moose Mountain): I hear a voice—

An hon. Member: In the wilderness.

Mr. Hamilton (Qu'Appelle-Moose Mountain):—which received a call from the voices at Ottawa last August, who said, "The Prime Minister wants a policy to keep prices from rising." This voice heard the call and said, "The way to do it is to put controls over oil and impose an export